

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

Case No. 20-cv-00983

SUPPLEMENTAL DECLARATION OF  
SHANE P. CRAMER IN SUPPORT OF CITY  
OF SEATTLE'S REPLY IN SUPPORT OF  
MOTION FOR SPOILIATION SANCTIONS  
AGAINST PLAINTIFFS HUNTERS CAPITAL;  
RICHMARK LABEL; MATTHEW PLOSZAJ;  
CAR TENDER; BERGMAN'S LOCK & KEY;  
WADE BILLER; AND ONYX  
HOMEOWNERS ASSOCIATION

I, Shane P. Cramer, declare as follows:

1. I am one of the attorneys representing the City of Seattle in this action. I am over age 18, competent to be a witness, and making this declaration based on facts within my own personal knowledge.

2. **Exhibits 1 through 25** were attached to my September 29, 2022 Declaration in Support of City of Seattle's Motion for Spoliation Sanctions against Plaintiffs Hunters Capital; Richmark Label; Matthew Ploszaj; Car Tender; Bergman's Lock & Key; Wade Biller; and Onyx Homeowners Association (Dkt. 108), and have not been attached hereto.

3. Attached as **Exhibit 26** is a true and correct copy of excerpts from Plaintiff Wade

1 Biller's Answers and Responses to Defendant City of Seattle's First Discovery Requests, dated  
2 January 15, 2021.

3 4. Attached as **Exhibit 27** is a true and correct copy of excerpts from Plaintiff Onyx  
4 Homeowners Association's Answers and Responses to Defendant City of Seattle's First Discovery  
5 Requests, dated January 15, 2021.

6 5. Attached as **Exhibit 28** is a true and correct copy of excerpts from the deposition of  
7 Lonnie Thompson, taken in this matter on May 4, 2021.

8 6. Attached as **Exhibit 29** is a true and correct copy of excerpts from the deposition of  
9 Wade Biller, taken in this matter on December 10, 2021.

10 7. It is my understanding that my office worked with certain City employees to collect  
11 and produce text messages from their personal phones where we were aware that the employees  
12 used their personal phones to regularly send and receive work-related text messages, including  
13 producing texts from City employee Michael Wells' personal phone on or about May 31, 2021 and  
14 producing texts from City employee Chris Fisher's personal phone on or about August 18, 2022.

15 8. Attached as **Exhibit 30** is a true and correct copy of excerpts from the deposition of  
16 Brandon Leatha, taken in this matter on September 16, 2022.

17 9. Attached as **Exhibit 31** is a true and correct copy of an email dated June 27, 2020  
18 from plaintiffs' counsel, Angelo Calfo, to several plaintiffs including Bill Donner, attaching a letter  
19 to the City of Seattle dated the same day. This document has been produced in this matter by  
20 Plaintiffs under Bates number CHOP-0052234-CHOP-0052237.

21 10. Attached as **Exhibit 32** is a true and correct copy of excerpts from the deposition of  
22 Matthew Ploszaj, taken in this matter on June 10, 2021.

23 11. Attached as **Exhibit 33** is a true and correct copy of excerpts from the deposition of  
24 John McDermott, taken in this matter on January 19, 2022.

25 12. It is my understanding that Bergman's Lock & Key produced no emails or texts in

1 discovery in this action.

2 13. Attached as **Exhibit 34** is a true and correct copy of excerpts from Plaintiff Car  
3 Tender's Answers and Responses to Defendant City of Seattle's First Discovery Requests dated  
4 January 15, 2021.

5 14. Attached as **Exhibit 35** is a true and correct copy excerpts from the Local  
6 Government Common Records Retention Schedule (CORE) version 4.2 dated August 2021. This  
7 document was collected from the State of Washington Secretary of State website at  
8 [https://www2.sos.wa.gov/\\_assets/archives/recordsmanagement/local-government-common-](https://www2.sos.wa.gov/_assets/archives/recordsmanagement/local-government-common-records-retention-schedule-core-v.4.2-(august-2021).pdf)  
9 [records-retention-schedule-core-v.4.2-\(august-2021\).pdf](https://www2.sos.wa.gov/_assets/archives/recordsmanagement/local-government-common-records-retention-schedule-core-v.4.2-(august-2021).pdf) on November 15, 2022.

10 15. Attached as **Exhibit 36** is a true and correct copy of excerpts from the deposition of  
11 LaRisa DeYoung, taken in this matter on September 19, 2022.

12 16. Attached as **Exhibit 37** is a true and correct copy of the City's August 19, 2022  
13 notice of intent to serve a subpoena on LaRisa DeYoung, attaching a copy of the City's subpoena  
14 to Ms. DeYoung for testimony and documents, which was served on Ms. DeYoung's counsel,  
15 Morgan Lewis & Bockius (*i.e.* Plaintiffs' counsel), on August 19, 2022.

16 I declare under the penalty of perjury under the laws of the United States that the foregoing  
17 is true and correct.

18 DATED this 15<sup>th</sup> day of November 2022, at Seattle, Washington.

19 s/ Shane P. Cramer  
20 SHANE P. CRAMER  
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